

Part 3

Department Duties

72-9-301 Duties -- Enforcement -- Federal safety regulations -- Audits -- Rights of entry for audits.

- (1) The department shall administer and in cooperation with the Department of Public Safety, Utah Highway Patrol Division, as specified under Section 53-8-105, shall enforce state and federal laws related to the operation of a motor carrier within the state, including:
 - (a) the operation of ports-of-entry under Section 72-9-501;
 - (b) vehicle size, weight, and load restrictions;
 - (c) security requirements;
 - (d) safety requirements; and
 - (e) the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of Federal Regulations.
- (2)
 - (a) The department shall conduct compliance audits and inspections as needed to enforce state and federal laws related to the operation of a motor carrier.
 - (b) The Department of Public Safety, Utah Highway Patrol Division, and other law enforcement agencies certified by the department shall conduct inspections as needed to enforce state and federal laws related to the operation of a motor carrier.
- (3)
 - (a) In accordance with Subsection (3)(b), the department's authorized employees or agents may enter, inspect, and examine any lands, buildings, and equipment of a motor carrier subject to this chapter, to inspect and copy any accounts, books, records, and documents in order to administer and enforce state and federal laws related to the operation of a motor carrier provided:
 - (i) the department's authorized employees or agents schedule an appointment with the motor carrier prior to entering, inspecting, or examining any facility or records of a motor carrier; or
 - (ii) if the department's authorized employees or agents believe that a criminal violation is involved and that a scheduled appointment would compromise the detection of the alleged criminal violation, no appointment is necessary.
 - (b) A motor carrier shall submit its lands, buildings, and equipment for inspection and examination and shall submit its accounts, books, records, and documents for inspection and copying in accordance with this section.

Amended by Chapter 155, 2009 General Session

72-9-302 Interstate agreements.

- (1) The department may enter into agreements with other states to allow the cooperative base state safety and insurance regulation of motor carriers transporting property or passengers in interstate commerce.
- (2) An agreement may authorize another state to:
 - (a) accept the filing of a certificate and affidavit of insurance;
 - (b) issue a revocation, suspension, restriction, probation, and reinstatement order or notice; and
 - (c) collect and disburse any fee to and from another state that participates in the base state program.

- (3) An agreement may allow the exchange of information for audit, reporting, and enforcement purposes.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-303 Cease and desist orders -- Registration sanctions.

- (1) The department may issue cease and desist orders to any person:
- (a) who engages in or represents himself to be engaged in a motor carrier operation that is in violation of this chapter;
 - (b) to prevent the violation of any of the provisions of this title; and
 - (c) who otherwise violates this chapter or any rules adopted under this chapter.
- (2)
- (a) The department shall notify the Motor Vehicle Division of the State Tax Commission upon having reasonable grounds to believe that a motor carrier is in violation of this chapter. Upon receiving notice by the department, the Motor Vehicle Division shall refuse registration or shall suspend or revoke a registration as provided in Sections 41-1a-109 and 41-1a-110.
 - (b) The department shall notify the Motor Vehicle Division immediately upon being satisfied that a motor carrier, reported as being in violation under Subsection (2)(a), is in compliance with this chapter. Upon receiving notice by the department, the Motor Vehicle Division shall remove any restriction made on a registration under this chapter.

Renumbered and Amended by Chapter 270, 1998 General Session